

AMENDED IN ASSEMBLY APRIL 18, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1360

Introduced by Assembly Member Pescetti

February 23, 2001

An act to add Sections 1635 and 2216.3 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1360, as amended, Pescetti. Dentists: physicians: professional liability insurance.

Existing law provides for licensing and regulation of dentists, and physicians and surgeons, pursuant to the Dental Practice Act and the Medical Practice Act, respectively.

Existing law provides that it is unprofessional conduct for a physician and surgeon to fail to provide adequate security by liability insurance, or by participation in an interindemnity trust, for claims by patients arising out of surgical procedures performed outside of a general acute care hospital.

This bill would require dentists, and physicians and surgeons, to disclose to their patients whether they carry professional liability insurance. *The bill would require a signed disclosure to be placed in the patient's dental or medical record. The bill would authorize the Dental Board of California and the Medical Board of California, respectively, to prescribe the form for the disclosure.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1635 is added to the Business and Professions Code, to read:

1635. ~~A licensed dentist shall disclose to his or her patients whether he or she carries professional liability insurance.~~ (a) *If a licensed dentist does not have liability coverage for the practice of dentistry, he or she shall disclose that fact.*

(b) *The disclosure in subdivision (a) shall be signed by both the licensed dentist and the patient and a copy of the disclosure shall be placed in the patient's dental record.*

(c) *The Dental Board of California may prescribe the form for the written disclosure statement required to be used by a licensed dentist under subdivision (a).*

SEC. 2. Section 2216.3 is added to the Business and Professions Code, to read:

2216.3. ~~A physician and surgeon shall disclose to his or her patients whether he or she carries professional liability insurance.~~

(a) *If a licensed physician and surgeon does not have liability coverage for the practice of medicine and surgery, he or she shall disclose that fact.*

(b) *The disclosure in subdivision (a) shall be signed by both the licensed physician and surgeon and the patient and a copy of the disclosure shall be placed in the patient's medical record.*

(c) *The Medical Board of California may prescribe the form for the patient's written disclosure statement required to be used by a licensed physician and surgeon under subdivision (a).*